

REMARKS

This responds to the Office Action mailed on January 29, 2007.

No claims are amended. Claims 1-24 are pending in this application.

§103 Rejection of the Claims

Claims 1-3, 6, 8, 13, 17 and 20-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dockemeyer, Jr. et al. (US 2004/0214540) in view of Haub et al. (US 2005/0026564). This rejection is respectfully traversed at least for the same reasons as described in the previous response, which are incorporated herein by reference.

In the Final Office Action, a response to arguments section was provided. The following remarks address such response. The response to arguments indicates that “reading is the same as sampling since it is analyzing a signal”. This statement is not supported by any reference. Further, it does not address the corresponding remark of Applicant: “There is no concept of sampling across all of the receive band with narrow bandwidth filters as claimed.” The statement does not describe sampling across an entire band with narrow band filters. Even if one were to believe that reading and sampling were the same concepts, sampling across a bandwidth with narrow bandwidth filters is clearly not encompassed.

Claim 1 clearly describes sampling across a frequency range, not just sampling a single signal and a single frequency. Dockemeyer, Jr. et al., does not sample, but essentially reads “the narrow band detected power signal strength for both of the primary and secondary signals.” Paragraph 23. There is no concept of sampling across all of the receive band with narrow bandwidth filters as claimed. As the references lack at least one element of the claim, the rejection should be withdrawn.

Regarding claim 17, the Office Action indicates that “Dockemeyer teaches reading (sampling) narrowband and wideband signals. These signals are RF with a frequency bandwidth (channel, section 0014). So the filters cover the bandwidth of the channel. Haub is also used for setting a bandwidth for multiple receiver filters (Fig. 3 and sections 0030 and 0047)” It is not clear how reading narrowband and wideband signals teaches using multiple filter receivers to cover the bandwidth of a channel, as described in the combination of the first two elements of

claim 17. As the references lack at least one element of the claim, the rejection should be withdrawn.

With respect to claim 23, the Office Action appears to equate reading narrowband and wideband signals, along with Haub's multiple receiver filters with "merging receiver filter to cover the bandwidth of a channel". There is no teaching of how to take Haub's multiple receiver filters and merge them together to cover a band in the context of identifying whether interference is narrowband or wideband as claimed. Thus, the references clearly do not teach or suggest claim 23 either separately or combined, and the rejection should be withdrawn.

With respect to claim 24, the Office Action appears to equate "reading" with "sweeping". Applicant is not aware that reading and sweeping mean the same thing. This is believed to be an unreasonably broad interpretation of the terms of the claim. Please clarify by providing an affidavit or appropriate reference. A proper prima facie case of obviousness has not been established and the rejection should be withdrawn.

Claims 4, 5 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dockemeyer, Jr. et al. and Haub et al. and in further view of Vepsalainen et al. (US 2004/0176055). This rejection is respectfully traversed at least for the same reasons as described in the previous response, which are incorporated herein by reference. These claims depend from claims that are believed patentable, and as such are believed patentable for at least the same reasons.

Claims 7 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dockemeyer, Jr. et al. in view of Haub et al. and in further view of Usui et al. (US 5,818,827). This rejection is respectfully traversed at least for the same reasons as described in the previous response, which are incorporated herein by reference. These claims depend from claims that are believed patentable, and as such are believed patentable for at least the same reasons.

Claims 9-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Haub et al. This rejection is respectfully traversed at least for the same reasons as described in the

previous response, which are incorporated herein by reference. These claims depend from claims that are believed patentable, and as such are believed patentable for at least the same reasons.

Claim 14 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Haub et al. in view of Lindell et al (US 6,978,125). This rejection is respectfully traversed at least for the same reasons as described in the previous response, which are incorporated herein by reference. This claim depends from a claim that is believed patentable, and as such is believed patentable for at least the same reasons.

Claim 15 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Haub et al. in view of Lindell et al as applied to claims 9 and 14 above, and furthering view of Cho (US 2003/0073423). This rejection is respectfully traversed at least for the same reasons as described in the previous response, which are incorporated herein by reference. This claim depends from a claim that is believed patentable, and as such is believed patentable for at least the same reasons.

Claim 16 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Haub et al. in view of Seo (US 6,738,367). This rejection is respectfully traversed at least for the same reasons as described in the previous response, which are incorporated herein by reference. This claim depends from a claim that is believed patentable, and as such is believed patentable for at least the same reasons.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 373-6972 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of

RESPONSE UNDER 37 CFR § 1.116 – EXPEDITED PROCEDURE

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priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

Respectfully submitted,

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Date 3-30-2007

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 30th day of March 2007.

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